

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

BRENT NIX, individually and on behalf of all others similarly situated,

Civil Action No. 7:17-CV-00189-D

Plaintiff,

v.

THE CHEMOURS COMPANY FC, LLC, THE CHEMOURS COMPANY, E.I. du PONT de NEMOURS AND COMPANY, INC., E.I. DUPONT CHEMICAL CORPORATION, ELLIS H. MCGAUGHEY, and MICHAEL E. JOHNSON,

Defendants.

ROGER MORTON, individually and on behalf of all others similarly situated,

Civil Action No. 7:17-cv-00197-D

Plaintiff,

v.

THE CHEMOURS COMPANY FC, LLC, THE CHEMOURS COMPANY, E.I. du PONT de NEMOURS AND COMPANY, INC., E.I. DUPONT CHEMICAL CORPORATION, ELLIS H. MCGAUGHEY, AND MICHAEL E. JOHNSON,

Defendants.

VICTORIA CAREY, MARIE BURRIS, MICHAEL KISER, and BRENT NIX, individually and on behalf of all others similarly situated,

Civil Action No. 7:17-CV-00201-D

Plaintiffs,

v.

E.I. du PONT de NEMOURS AND COMPANY and THE CHEMOURS COMPANY FC, LLC,

Defendants.

**ORDER APPROVING THE FORM AND MANNER
OF CLASS NOTICE**

WHEREAS, by Order dated October 4, 2023 (Dkt. No. 420), the Court certified the above-captioned action (the “Action”) to proceed as a class action¹;

WHEREAS, Court-appointed Class Representatives Victoria Carey, Marie Burris, and Brent Nix (collectively, “Class Representatives”) have moved for, and Defendants do not oppose, the entry of an order approving the proposed form and content of notices of pendency to be disseminated to the Class, as well as the proposed methods for dissemination of these notices (the “Notice Order”); and

WHEREAS, the Court has reviewed the proposed notices submitted by Class Representatives and has found good cause for entering the following Notice Order;

NOW, THEREFORE, it is ordered as follows:

1. The Court approves the form, substance, and requirements of the notices attached hereto as Exhibits 1-5 (collectively, “Class Notice”).
2. The proposed form and content of the Class Notice meets all of the requirements of Fed. R. Civ. P. 23(c)(2)(B), as it clearly and concisely states in plain and easily understood language the following: (a) the nature of the Action; (b) the definition of the certified Classes; (c) the Class claims, issues, or defenses; (d) a Class member’s right to enter an appearance through an attorney if the member so desires; (e) a Class member’s right to be excluded from the Classes; (f)

¹ The Court certified two Classes pursuant to Fed. R. Civ. P. 23(b): (1) a “public utility” class, which consists of property owners or renters whose property is serviced by a public water utility servicing Bladen, Brunswick, Cumberland, New Hanover, or Pender Counties that draws water from or obtains water drawn from the Cape Fear River downstream of the Fayetteville Works plant; and (2) a “groundwater” class, which consists of property owners or renters whose property receives drinking water from a groundwater source with quantifiable concentrations of any of certain PFAS from the Fayetteville Works plant.

the time and manner for requesting exclusion; and (g) the binding effect of a judgment on Class members under Fed. R. Civ. P. 23(c)(3).

3. The Class Notice, and methods and schedule set forth below for notifying the Classes of the pendency of the Action as a class action, meet the requirements of Rule 23 and of due process, constitute the best notice practicable under the circumstances, and shall constitute due and efficient notice to all persons and entities entitled thereto.

4. The Court approves the retention of A.B. Data, Ltd., as the notice administrator (the "Administrator").

5. No later than 20 business days after entry of this Notice Order, E.I. du Pont de Nemours and Company and The Chemours Company FC, LLC ("Defendants") shall, at no cost to Class Counsel, provide or cause to be provided to the Administrator, in electronic form such as Excel, names, addresses, or other contact information when available (including email addresses) of all persons or entities contained in their "Pioneer" database who had a detection of PFAS in that database.

6. No later than 30 business days after entry of this Notice Order (which shall be the "Notice Date"), the Administrator shall cause the Postcard Notice, substantially in the form attached hereto as Exhibit 1, to be mailed via first-class mail, postage prepaid, and, if possible, emailed to all potential Class members identified by Defendants or who may otherwise be identified with reasonable effort.

7. Upon service of this Notice Order, the public water utilities of Bladen, Brunswick, Cumberland, New Hanover, and Pender Counties, North Carolina, shall EITHER:

a. within 30 business days, provide or cause to be provided to the Administrator, in electronic form such as Excel, any names, addresses, or contact information

(including email addresses) in their possession, to the extent they exist, of persons or entities who are or may be members of the “public utility” class. The Administrator is ordered to send the Postcard Notice promptly to such potential Class members. If email addresses are not available, the public utility shall notify the Administrator of that fact with its submission and explain why they are not available; or

- b. within 30 business days: (i) send a copy of the Postcard Notice to all such potential Class members for whom they have email addresses; and (ii) request from the Administrator sufficient copies of the Postcard Notice to mail to all such beneficial owners for whom email addresses are not available; and (iii) within 10 business days of receipt of the Postcard Notices from the Administrator, mail them to all such potential Class members. If email addresses are not available, the public utility shall notify the Administrator of that fact with its bulk request and explain why they are not available. A public utility who elects to send the Postcard Notices to potential Class members SHALL ALSO send a statement to the Administrator confirming that the Postcard Notices were mailed and shall retain its mailing records for use in connection with any further notices that may be provided in the Action.

8. Upon full and timely compliance with these directions, a public utility may seek reimbursement from the Administrator of its reasonable expenses actually incurred by providing the Administrator with proper documentation supporting the expenses for which reimbursement is sought. Unreasonable expenses shall not be reimbursed. Any disputes with respect to the reasonableness or documentation of expenses incurred shall be subject to review by the Court.

9. By the Notice Date, the Administrator shall establish a website for the Action, www.NCPFASLitigation.com, from which Class members may download copies of the Long-Form Notice, substantially in the form attached hereto as Exhibit 5; the operative Complaint; the Court's order certifying the Classes; and this Notice Order. Class Counsel shall also post copies of the Class Notice on their own websites, www.cohenmilstein.com and www.susmangodfrey.com. The Administrator shall mail the Long-Form Notice to any person who requests a copy by phone or email.

10. Within 14 calendar days of the Notice Date, the Administrator shall cause a copy of the Publication Notice, substantially in the form attached hereto as Exhibit 2, to be published once in each of the following: (i) *Up & Coming Weekly* (Cumberland, NC); (ii) *Bladen Journal* (Bladen, NC); (iii) *Fayetteville Observer* (Fayetteville, NC); (iv) *Wilmington Star News* (New Hanover, NC); (v) *Brunswick Beacon* (Brunswick, NC); (vi) *The Pender-Topsail Post & Voice* (Pender, NC); and (vii): *Raleigh News & Observer* (Raleigh, NC). The Administrator shall also undertake reasonable efforts to engage potential Class members via targeted digital media, an example of which is attached hereto as Exhibit 3; and shall cause a copy of the news release, substantially in the form attached hereto as Exhibit 4, to be transmitted over *PR Newswire* (North Carolina).

11. Class members shall be bound by all determinations, orders, and judgments in this Action, whether favorable or unfavorable, unless such persons or entities request exclusion from the Classes in a timely and proper manner, as hereinafter provided. A Class member wishing to make such a request shall submit the request in written form by mail to the address designated in the Long-Form Notice, postmarked no later than 90 calendar days after the Notice Date. Such request for exclusion must:

- a. state the name, address, telephone number, and email address (if available) of the person or entity requesting exclusion;
- b. state that the Class member desires to be excluded from the class action *Nix v. The Chemours Co. FC*, No. 7:17-cv-00189; and
- c. be signed by the person or entity requesting exclusion or an authorized representative.

The request for exclusion shall not be effective unless it provides the required information and is made within the time stated above, or the exclusion is otherwise accepted by the Court.

12. Any class member who retains separate counsel to represent him, her, or it by appearing in these proceedings must have such counsel enter an appearance pursuant to Fed. R. Civ. P. 23(c)(2), as set out in the Class Notice, no later than 90 calendar days after the Notice Date.

13. Within 20 business days following the expiration of the exclusion deadline, Class Counsel shall file with the Court proof of dissemination and publication of the Class Notice and an affidavit setting forth a list of all persons and entities who have validly and timely requested exclusion from the Classes.

14. Plaintiffs shall bear the costs of the notice program set forth above, and Defendants shall have no responsibility for or involvement in the same except where indicated.

15. This Notice Order may be modified by the Court upon motion by either or both parties for good cause shown.

SO ORDERED. This the 30 day of January, 2024.


JAMES C. DEVER III
United States District Judge

Exhibit 1

LEGAL NOTICE

**If the property you own or rent receives
water from a public water utility or
groundwater source containing chemicals
from Fayetteville Works, you could be part
of a class action lawsuit.**

Records show you could be affected by a class action lawsuit against E.I. du Pont de Nemours and Company and The Chemours Company FC, LLC (“the Defendants”) that alleges that beginning in 1980, the Fayetteville Works plant, operated by the Defendants, discharged wastewater containing per- and polyfluorinated substances (“PFAS”) into the Cape Fear River, contaminating the water. The Court decided that this case should be certified as a class action on behalf of two “Classes” or groups of people that could include you. The Court has not decided who is right. There is no money or other benefit available now and no guarantee there will be.

DuPont Water Class Action Lawsuit
c/o A.B. Data, Ltd.
PO Box 173062
Milwaukee, WI 53217

PRE-SORTED
FIRST-CLASS
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Postmaster: Please DO NOT Cover Up Barcode

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<<NoticeID>>

<<Name1>>
<<Street1>>
<<City>>, <<State>> <<Zip>>

What is this case about? The lawsuit alleges that beginning in 1980, the Fayetteville Works plant, operated by the Defendants, discharged wastewater containing PFAS into the Cape Fear River, contaminating the water. As a result, the lawsuit alleges that drinking water was contaminated and water pipes were damaged. It alleges that PFAS can cause certain cancers and other diseases, and that people living close to the plant who drank the polluted water became sick because they were exposed to PFAS. The lawsuit also alleges the Defendants knew PFAS was dangerous and did not tell anyone that they released these chemicals into the Cape Fear River and the environment around the Fayetteville Works plant. The Defendants deny these claims and deny they did anything wrong. The lawyers for the Classes will have to prove their claims in Court.

Are you included? In this class action there are two Classes, and you are included if you are a property owner or renter whose property (1) is serviced by a public water utility servicing Bladen, Brunswick, Cumberland, New Hanover, or Pender Counties that draws water from or obtains water drawn from the Cape Fear River downstream of the Fayetteville Works plant (“Public Utility Class”); or (2) receives drinking water from a groundwater source with quantifiable concentrations of any of certain PFAS from the Fayetteville Works plant (“Groundwater Class”). There are also three damages subclasses: (1) current residential property owner-occupiers or renters who have not yet installed both reverse osmosis filters and new water heaters on their property (“Owner-Occupier/Renter Damages Subclass”); (2) property owners or renters who paid for bottled water, water heaters, and/or reverse osmosis filters from 2017 to present (“Purchaser Damages Subclass”); or (3) property owners who purchased their residential property prior to June 2017 and have not installed both reverse osmosis filters and new water heaters (“Long-Time Property Owner Damages Subclass”).

Who represents the Classes? The Court has appointed a group of attorneys to represent the Classes as “Class Counsel.” You do not have to pay Class Counsel or anyone else to participate. Instead, if Class Counsel recovers money or benefits for the Class(es), they will ask the Court for their attorneys’ fees and expenses. If approved, these fees and expenses will be deducted from any money obtained for the Class(es) or paid separately by the Defendants. You may hire your own lawyer to appear in Court for you, but if you do, you have to pay that lawyer.

What are your options? To stay in the Class(es), you do not have to do anything. If money or benefits are obtained, you will be notified of how to request a share. If you stay in the Class(es), you will not be able to sue the Defendants on your own about the claims in this lawsuit. If you want to maintain your rights to sue on your own, you must exclude yourself by **[Month 00, 2023]** by following the procedure set forth on the website for the case, www.NCPFASLitigation.com. If you exclude yourself, you cannot get money or benefits from this lawsuit if any are awarded.

For more information: 1-877-495-0948

www.NCPFASLitigation.com

Exhibit 2

LEGAL NOTICE

If the Property You Own or Rent Receives Water from a Public Water Utility or Groundwater Source Containing Chemicals from Fayetteville Works, You Could Be Part of a Class Action Lawsuit

There is a class action lawsuit against E.I. du Pont de Nemours and Company and The Chemours Company FC, LLC (“the Defendants”) that alleges that beginning in 1980, the Fayetteville Works plant, operated by the Defendants, discharged wastewater containing per- and polyfluorinated substances (“PFAS”) into the Cape Fear River, contaminating the water. The Court decided that this case should be certified as a class action on behalf of two “Classes” or groups of people that could include you. The Court has not decided who is right. There is no money or other benefit available now and no guarantee there will be.

What is this case about?

The lawsuit alleges that beginning in 1980, the Fayetteville Works plant, operated by the Defendants, discharged wastewater containing PFAS into the Cape Fear River, contaminating the water. As a result, the lawsuit alleges that drinking water was contaminated and water pipes were damaged. It alleges that PFAS can cause certain cancers and other diseases, and that people living close to the plant who drank the polluted water became sick because they were exposed to PFAS. The lawsuit also alleges the Defendants knew PFAS was dangerous and did not tell anyone that they released these chemicals into the Cape Fear River and the environment around the Fayetteville Works plant. The Defendants deny these claims and deny they did anything wrong. The lawyers for the Classes will have to prove their claims in Court.

Am I included?

In this class action there are two Classes, and you are included if you are a property owner or renter whose property (1) is serviced by a public water utility servicing Bladen, Brunswick, Cumberland, New Hanover, or Pender Counties that draws water from or obtains water drawn from the Cape Fear River downstream of the Fayetteville Works plant (“Public Utility Class”); or (2) receives drinking water from a groundwater source with quantifiable concentrations of any of certain PFAS from the Fayetteville Works plant (“Groundwater Class”). There are also three damages subclasses: (1) current residential property owner-occupiers or renters who have not yet installed both reverse osmosis filters and new water heaters on their property (“Owner-Occupier/Renter Damages Subclass”); (2) property owners or renters who paid for bottled water, water heaters, and/or reverse osmosis filters from 2017 to present (“Purchaser Damages Subclass”); or (3) property owners who purchased their residential property prior to June 2017 and have not installed both reverse osmosis filters and new water heaters (“Long-Time Property Owner Damages Subclass”).

Who represents the Classes?

The Court has appointed a group of attorneys to represent the Classes as “Class Counsel.” You do not have to pay Class Counsel or anyone else to participate. Instead, if Class Counsel recovers money or benefits for the Class(es), they will ask the Court for their attorneys’ fees and expenses. If approved, these fees and expenses will be deducted from any money obtained for the Class(es) or paid separately by the Defendants. You may hire your own lawyer to appear in Court for you, but if you do, you have to pay that lawyer.

What are my options?

To stay in the Class(es), you do not have to do anything. If money or benefits are obtained, you will be notified of how to request a share. If you stay in the Class(es), you will not be able to sue the Defendants on your own about the claims in this lawsuit. If you want to maintain your rights to sue on your own, you must exclude yourself by Month 00, 2023 by following the procedure set forth on the website for the case, www.NCPFASLitigation.com. If you exclude yourself, you cannot get money or benefits from this lawsuit if any are awarded.

For more information: 1-877-495-0948

www.NCPFASLitigation.com

Exhibit 3

**Have you ever owned or rented
property that receives water from a
public water utility or groundwater
source containing chemicals from
Fayetteville Works?**

**YOU COULD BE PART OF
A CLASS ACTION LAWSUIT**

Learn More >

NCPPFASLitigation.com

Exhibit 4

Cohen Milstein Sellers & Toll PLLC and Susman Godfrey LLP Announce a Class Action Lawsuit That May Affect Anyone Who Owns or Rents Property That Receives Water from a Public Water Utility or Groundwater Source Containing Chemicals from Fayetteville Works

Raleigh, NC / Month 00, 2023 / PR Newswire—

There is a class action lawsuit against E.I. du Pont de Nemours and Company and The Chemours Company FC, LLC (“the Defendants”) that alleges that beginning in 1980, the Fayetteville Works plant, operated by the Defendants, discharged wastewater containing per- and polyfluorinated substances (“PFAS”) into the Cape Fear River, contaminating the water. The Court decided that this case should be certified as a class action on behalf of two “Classes” or groups of people that could include you. The Court has not decided who is right. There is no money or other benefit available now and no guarantee there will be.

What is this case about?

The lawsuit alleges that beginning in 1980, the Fayetteville Works plant, operated by the Defendants, discharged wastewater containing PFAS into the Cape Fear River, contaminating the water. As a result, the lawsuit alleges that drinking water was contaminated and water pipes were damaged. It alleges that PFAS can cause certain cancers and other diseases, and that people living close to the plant who drank the polluted water became sick because they were exposed to PFAS. The lawsuit also alleges the Defendants knew PFAS was dangerous and did not tell anyone that they released these chemicals into the Cape Fear River and the environment around the Fayetteville Works plant. The Defendants deny these claims and deny they did anything wrong. The lawyers for the Classes will have to prove their claims in Court.

Who is included?

In this class action there are two Classes, and you are included if you are a property owner or renter whose property (1) is serviced by a public water utility servicing Bladen, Brunswick, Cumberland, New Hanover, or Pender Counties that draws water from or obtains water drawn from the Cape Fear River downstream of the Fayetteville Works plant (“Public Utility Class”); or (2) receives drinking water from a groundwater source with quantifiable concentrations of any of certain PFAS from the Fayetteville Works plant (“Groundwater Class”). There are also three damages subclasses: (1) current residential property owner-occupiers or renters who have not yet installed both reverse osmosis filters and new water heaters on their property (“Owner-Occupier/Renter Damages Subclass”); (2) property owners or renters who paid for bottled water, water heaters, and/or reverse osmosis filters from 2017 to present (“Purchaser Damages Subclass”); or (3) property owners who purchased their residential property prior to June 2017 and have not installed both reverse osmosis filters and new water heaters (“Long-Time Property Owner Damages Subclass”).

Who represents the Classes?

The Court has appointed a group of attorneys to represent the Classes as “Class Counsel.” You do not have to pay Class Counsel or anyone else to participate. Instead, if Class Counsel recovers money or benefits for the Class(es), they will ask the Court for their attorneys’ fees and expenses. If approved, these fees and expenses will be deducted from any money obtained for the Class(es) or paid separately by the Defendants. You may hire your own lawyer to appear in Court for you, but if you do, you have to pay that lawyer.

What are my options?

To stay in the Class(es), you do not have to do anything. If money or benefits are obtained, you will be notified of how to request a share. If you stay in the Class(es), you will not be able to sue the Defendants on your own about the claims in this lawsuit. If you want to maintain your rights to sue on your own, you must exclude yourself by **[Month 00, 2023]** by following the procedure set forth on the website for the case, www.NCPFASLitigation.com. If you exclude yourself, you cannot get money or benefits from this lawsuit if any are awarded.

For more information:

Call: 1-877-495-0948

Visit: www.NCPFASLitigation.com

Source: Cohen Milstein Sellers & Toll PLLC and Susman Godfrey LLP

Contact:

Kate Fitzgerald
202-408-4600

Exhibit 5

**Does the property you own or rent receive water from a public water utility or groundwater source containing chemicals from Fayetteville Works?
If so, you could be part of a class action lawsuit.**

A federal court has authorized this notice. You are not being sued.

- You could be affected by a class action lawsuit against E.I. du Pont de Nemours and Company and The Chemours Company FC, LLC ("the Defendants"). The lawsuit alleges that beginning in 1980, the Fayetteville Works plant, operated by the Defendants, discharged wastewater containing per- and polyfluorinated substances ("PFAS") into the Cape Fear River, contaminating the water.
- A Court has approved the lawsuit to proceed as a class action for two main groups of people (or "Classes"):
 - Public Utility Class: Property owners or renters whose property is serviced by a public water utility servicing Bladen, Brunswick, Cumberland, New Hanover, or Pender Counties that draws water from or obtains water drawn from the Cape Fear River downstream of the Fayetteville Works plant; or
 - Groundwater Class: Property owners or renters whose property receives drinking water from a groundwater source with quantifiable concentrations of any of certain PFAS from the Fayetteville Works plant.

There are also three damages subclasses:

- Owner-Occupier/Renter Damages Subclass: Current owner-occupiers or renters of residential property who have not yet installed both reverse osmosis filters and new water heaters on their property.
- Purchaser Damages Subclass: Property owners or renters who paid for bottled water, water heaters, and/or reverse osmosis filters from 2017 to present.
- Long-Time Property Owner Damages Subclass: Property owners who purchased their residential property prior to June 2017 and have not installed both reverse osmosis filters and new water heaters.

- The Court has not decided whether the Defendants did anything wrong, and the case will be scheduled for trial. There is no money or other benefit available now and no guarantee there will be. However, your rights are affected, and you have a choice to make now.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

| | |
|-------------------------|---|
| DO NOTHING | <p>Stay in this lawsuit. Await the outcome. Possibly get benefits. Give up certain rights.</p> <p>By doing nothing, you maintain the possibility of getting money or benefits that may come from a trial or settlement. But you give up any rights to sue the Defendants on your own about the claims in this lawsuit.</p> |
| EXCLUDE YOURSELF | <p>Get out of this lawsuit. Get no benefits from it. Keep your rights.</p> <p>If you ask to be excluded from the lawsuit, you will not get any money or benefits that may come from a trial or settlement. But you keep any rights to sue the Defendants on your own about the claims in this lawsuit.</p> |

- Your options are explained in this notice. To ask to be excluded, you must act by [Month 00, 2023].
- Lawyers must prove the claims against the Defendants at a trial. If money or benefits are obtained in the future from trial or a settlement, you will be notified about how to request a share.

QUESTIONS? CALL TOLL-FREE 1-877-495-0948 OR VISIT www.NCPFASLITIGATION.COM

Basic Information

1. Why was this notice issued?

This lawsuit has been “certified” as a class action. This means that the lawsuit meets the requirements for class actions and may proceed to trial. If you are included in the definitions of the Classes above, you are entitled to know about your rights and options before the Court holds a trial to decide whether the claims being made against the Defendants have merit. This notice explains all of these things.

Judge James C. Dever III, of the United States District Court for the Eastern District of North Carolina Southern Division, is currently overseeing this lawsuit. This case is known as *Nix v. The Chemours Co. FC, LLC*, No. 7:17-cv-00189. The people who sued are called the Plaintiffs. DuPont and Chemours are the Defendants.

2. What is this lawsuit about?

The lawsuit alleges that the Fayetteville Works plant, operated by the Defendants, discharged wastewater containing per- and polyfluorinated substances (“PFAS”) into the Cape Fear River beginning in 1980. As a result, the lawsuit alleges that the river water was polluted, drinking water was contaminated, and water pipes were damaged. It also alleges that PFAS can cause certain cancers and other diseases, and people living close to the plant who drank the polluted water became sick because they were exposed to PFAS. The lawsuit also alleges the Defendants knew PFAS was dangerous and did not tell anyone that they released these chemicals into the Cape Fear River and the environment around the Fayetteville Works plant.

The Defendants deny these claims. The Court has not decided whether the Plaintiffs or the Defendants are correct. The lawyers for the Plaintiffs will have to prove Plaintiffs’ claims in Court.

3. What are PFAS?

PFAS or per- and polyfluorinated substances are chemicals that make certain coatings and products that resist heat, oil, stains, grease, and water. They are often used to make non-stick pans, clothing, furniture, adhesives, food packaging, and electrical wire insulation. Plaintiffs allege that these chemicals do not break down naturally in the environment, can move through soil to contaminate drinking water, and have been linked to cancers and other diseases.

4. Why is this a class action?

In a class action, one or more people called “class representatives” (in this case, Victoria Carey, Marie Burris, and Brent Nix) sue on behalf of people who have similar claims. All of these people are a “class” or “class members.” One court and one case resolve the issues for all class members, except for those people who exclude themselves from the class.

5. Who is a member of the class?

In this class action there are two Classes: the Public Utility Class and the Groundwater Class. You are included if you are a property owner or renter whose property:

- Is serviced by a public water utility servicing Bladen, Brunswick, Cumberland, New Hanover, or Pender Counties that draws water from or obtains water drawn from the Cape Fear River downstream of the Fayetteville Works plant (“Public Utility Class”), or
- Receives drinking water from a groundwater source with quantifiable concentrations of any of certain PFAS from the Fayetteville Works plant (“Groundwater Class”).

There are also three damages subclasses:

- Current residential property owner-occupiers or renters who have not yet installed both reverse osmosis filters and new water heaters on their property (“Owner-Occupier/Renter Damages Subclass”);
- Property owners or renters who paid for bottled water, water heaters, and/or reverse osmosis filters from 2017 to present (“Purchaser Damages Subclass”); and

- Property owners who purchased their residential property prior to June 2017 and have not installed both reverse osmosis filters and new water heaters (“Long-Time Property Owner Damages Subclass”).

6. Who is not included?

The Classes do not include the Defendants, government entities, judicial officers involved in this case, and anyone who excludes themselves (see Question 11).

7. What should I do if I am still not sure whether I am included?

If you are still not sure whether you are included, you can ask for free help. Visit the website, www.NCPFASLitigation.com, or call 1-877-495-0948 for more information.

8. What are the Plaintiffs asking for?

Plaintiffs are asking for money and other benefits for the Classes, including the costs of filtration systems and bottled water and to replace plumbing and home appliances.

9. Is there any money available now?

No money or benefits are available now because the Court and/or jury has not yet decided whether the Defendants did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified of how to request a share.

Your Rights and Options

You have to decide whether to stay in the lawsuit or to exclude yourself by **[Month 00, 2023]**.

10. What happens if I do nothing?

If you do nothing, you will automatically remain in the Class(es). You will be legally bound by all Court orders, good or bad. If you stay in the Class(es), you will not be able to sue the Defendants on your own about the claims in this lawsuit. If any money or benefits are awarded in the future, you may need to take action to get them.

11. What if I don't want to be in the Class(es)?

If you decide not to participate in the lawsuit, you must exclude yourself—this is sometimes called “opting out.” If you exclude yourself, you will not get any money or benefits that may be obtained as a result of this lawsuit. You will not be bound by any Court orders, and you keep your right to sue the Defendants on your own about the claims in this lawsuit.

To exclude yourself from the Class(es), you must mail a letter to the Notice Administrator. Your request must include:

- your name, address, and telephone number;
- your email address (if available);
- a statement that you want to be excluded from the class action *Nix v. The Chemours Co. FC, LLC*, No. 7:17-cv-00189; and
- your signature.

Mail your exclusion request, postmarked no later than **[Month 00, 2023]**, to:

DuPont Water Class Action Lawsuit Exclusions
c/o A.B. Data, Ltd.
P.O. Box 173001
Milwaukee, WI 53217

QUESTIONS? CALL TOLL-FREE 1-877-495-0948 OR VISIT www.NCPFASLitigation.com

Case 7:17-cv-00189-D Document 429 Filed 01/31/24 Page 20 of 21

The Lawyers Representing You

12. Do I have a lawyer in the case?

Yes. The Court has appointed the following law firms to represent you and the other class members as "Class Counsel":

| | |
|--|---|
| Theodore J. Leopold Leslie M. Kroeger Cohen Milstein Sellers & Toll PLLC 11780 U.S. Highway One Suite N500 Palm Beach Gardens, FL 33408 | Vineet Bhatia Susman Godfrey LLP 1000 Louisiana St. Suite 5100 Houston, TX 77002-5096 |
| S. Douglas Bunch Alison Deich Cohen Milstein Sellers & Toll PLLC 1100 New York Ave. NW Fifth Floor Washington, DC 20005 | Stephen Morrissey Jordan Connors Steven Seigel Susman Godfrey LLP 401 Union Street Suite 3000 Seattle, WA 98101 |

You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

13. How will the lawyers be paid?

If Class Counsel recovers money or benefits for the Class(es), they will ask the Court for attorneys' fees and expenses. If the Court approves Class Counsel's request, the fees and expenses will be deducted from any money obtained for the Class(es) or paid separately by the Defendants. No matter what happens, you will not have to pay any attorneys' fees or expenses to the lawyers representing the Classes.

A Trial

14. How and when will the Court decide who is right?

If the case is not dismissed or settled, the Plaintiffs will have to prove their claims at a trial that will take place at the United States Courthouse, 310 New Bern Avenue, Raleigh, NC 27601. During the trial, a jury and/or judge will hear evidence and decide whether the Plaintiffs or the Defendants are correct about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win any money or benefit for the Classes. No trial date has been set at this time.

15. Will I get money after the trial?

If the Plaintiffs obtain money or benefits as a result of a trial or settlement, you will be notified of how to ask to participate (or request a payment or benefits) and what your other options are at that time. These things are not known now. Important information about the case will be posted on the website, www.NCPFASLitigation.com, as it becomes available.

Getting More Information

16. How do I get more information?

You can get more information at www.NCPFASLitigation.com, by calling toll-free 1-877-495-0948, by writing to DuPont Water Class Action Lawsuit, c/o A.B. Data, Ltd., P.O. Box 173062, Milwaukee, WI 53217, or by emailing info@NCPFASLitigation.com.

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